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EDITORIAL

Travesty for Immigrants

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To the Immigration and Naturalization Service agents who rescued Prakong Phunta Thanthima in 1995, her work amounted to slavery. She was one of 72 Thai workers the INS found at a sweatshop in El Monte where the owners kept them prisoner. Thanthima and others testified to help convict the owners of the sweatshop, and the INS in exchange promised special consideration of their efforts to gain legal residence. Thanthima married an American citizen. Their daughter, born in the United States, is 4 and the couple is expecting a second child. But a speeded-up immigration appeals panel has upheld a deportation order against her for reasons that offend the American sense of justice.

The U.S. has a right to control its borders and to decide who gets to stay, but the rules have to be fairly administered.

Thanthima's crime, according to the immigration judge who first looked at her case in Los Angeles, was missing a court appearance. Instead of sending the notice to her address in Syracuse N.Y., however, the court had sent it to the closed sweatshop in El Monte, even though her correct address was on file at the INS. The Board of Immigration Appeals, created in 1940 as a watchdog over immigration courts, ruled that Thanthima should have notified the court as well as the INS of her address. But how could she? The original notice of a possible hearing left blank the court's address.

The unfairness is so blatant that Thanthima may well escape deportation; the prosecutors in the sweatshop case are on her side. Others have no such powerful defenders, even if they have a good case to stay in the United States. Korean immigrants who were caught up in a bribery scandal involving an INS official are also in a legal Catch-22, and too many children are badly mistreated by the INS bureaucracy, even denied legal assistance. But the mess that caught Thanthima seems to be sheer carelessness.

Thousands of appeals have been summarily dismissed, often without explanation, since Atty. Gen. John Ashcroft's order to clear a 56,000-case backlog of immigration appeals by March 25. Once, a three-member panel of the appeals board issued the rulings. Now it takes only one member, and the review of each case has become troublingly brief, often just minutes long.

A Times computer study found that summary rulings had increased more than fourfold since Ashcroft's order. Denials of appeals rose to 86% in October from 59% the previous October. In one day in October, the judge who handled Thanthima's case signed more than 50 appeals, deciding an immigrant's future every 10 minutes, more or less, in a nine-hour workday.

Critics of the INS, including this editorial page, have called repeatedly on the agency to clear its

atrocious backlog of unresolved immigration cases. No one, however, asked for speed without common sense, much less without justice. If Ashcroft wants the backlog cleared, the Justice Department and the INS should find the personnel to do it right.

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